

THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, N.Y. 10007

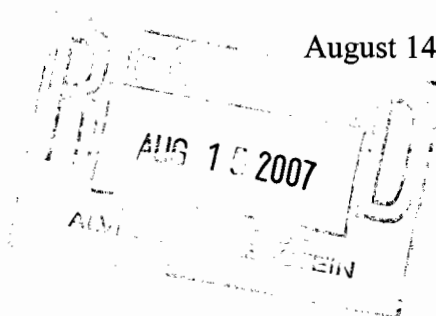
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BY HAND

Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

August 14, 2007



I Wood
Part I Judge

Re: Brown v. The City of New York et al., 07 CV 7007 (AKH)

Dear Judge Hellerstein:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and counsel for defendant City of New York ("City") in the above referenced matter. I write to respectfully request an enlargement of time, from August 28, 2007, to October 29, 2007, within which the City may answer or otherwise respond to the complaint. This is the City's first request for an enlargement of time and is made on consent.

The complaint alleges, *inter alia*, that plaintiff Howard Brown was falsely arrested and subjected to excessive force. Before this Office can adequately respond to the complaint, we need to conduct an investigation into plaintiff's allegations. An enlargement of time will afford us the opportunity to investigate this matter.

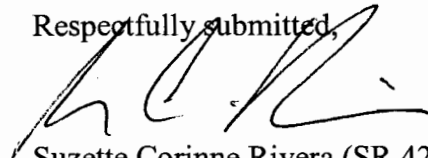
In addition, upon information and belief, the records of the underlying action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50. Therefore, this office will promptly forward to plaintiffs' counsel, for execution by plaintiffs, a consent and authorization for the release of sealed records so that the information can be accessed, the case can be properly assessed and a response to the complaint can be framed.

Moreover, the enlargement will allow this office to ascertain whether the individually named defendant, Officer Melendez, has been served.¹ If service has been effectuated upon Officer Melendez, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendant. Officer Melendez must then decide whether he wishes to be represented by this office. If so, we must obtain his written authorization. Only after this procedure has been followed can we determine how to proceed in this case.

In view of the foregoing, I respectfully request that the Court extend the City's time to answer or otherwise respond to the complaint until October 29, 2007.

Thank you for your consideration in this regard.

Respectfully submitted,



Suzette Corinne Rivera (SR 4272)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: BY FAX
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Attorney for Plaintiffs
(212) 349-1887

¹ Although this Office does not currently represent Officer Melendez, and assuming he is properly served, this Office also respectfully requests this extension on his behalf in order that his defenses are not jeopardized while representational issues are being decided.